

# **Fiscal Services Division**

## **Legislative Services Agency**

### **Fiscal Note**

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SF 169 - Methamphetamine Precursors (LSB 1123 SV.3)

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Fiscal Note Version – As Amended by the Conference Committee Report

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#### **Description**

Senate File 169, as amended by the Conference Committee Report, relates to the regulation of substances which are precursors to amphetamine and methamphetamine and provides penalties. The Bill restricts bail for persons charged with the manufacture, delivery, or possession with intent to deliver, or distribution of methamphetamine, by requiring offenders to be supervised and to undergo random drug tests as a condition of release on bail. This provision takes effect upon enactment. The Section of the Bill that makes ephedrine a Schedule V controlled substance also takes effect upon enactment.

#### **Assumptions**

1. In FY 2004, there were approximately 1,950 arrests for manufacturing/distribution of methamphetamine. Of this amount, 500 people were charged with a meth-related offense and admitted to pre-trial release programs. The remaining 1,450 defendants may remain in jail or be released by some other method, such as released on their own recognizance or by posting bail. Under this Bill, it is assumed the 1,450 defendants will remain in jail until their initial appearance and there will be 1,450 new cases for pre-trial release with supervision.
2. Community-Based Corrections (CBC) staffing standards are one probation officer for every 60 people on pre-trial release.
3. The total cost for urinalysis testing is \$180 for each person based on a six-month average length of stay on supervision. This figure includes random testing at least four times a month over the six-month supervision period.
4. In calendar year 2004, there were approximately 1,500 meth labs seized by State and local law enforcement. Approximately 42.0% of these labs were seized by the State. It is estimated that Senate File 169, as amended by the Conference Committee Report, may reduce the total number of labs seized in Iowa by 24.0% to 48.0% annually based on similar legislation enacted in other States.
5. In calendar year 2004, the cost to Division of Narcotics Enforcement (DNE) to clean up a meth lab site in Iowa ranged from \$800 to \$1,200 per site, depending on the number of agents. This figure includes a mix of federal and State funds. Approximately 40.0% of the Division of Narcotics Enforcement's budget is federal funds, which are anticipated to decline in future fiscal years.
6. The disposal costs for lab residue from the Division of Criminal Investigations Crime Lab is \$3,000 per quarter and is paid from DNE's allocation of the federal Community Orientated Policing Services (COPS) grant. Evidence from the Crime Lab is picked up after the analysis of exhibits has been completed. The \$3,000 estimate does not cover the costs of disposing of the lab materials not submitted as evidence.
7. There have been no convictions for any retail provisions concerning precursors or the enhanced penalties for theft of pseudoephedrine. The law took effect July 1, 2004.
8. The average State costs for one new serious misdemeanor conviction ranges from \$100 to \$4,000. The costs may be incurred across multiple years while the offender is supervised in the correctional system.
9. Iowa Rule of Criminal Procedure 2.1 and 2.2 requires a defendant in custody to go before a Magistrate without delay; this is assumed to be within 24 hours.

### **Correctional Impact**

Senate File 169, as amended by the Conference Committee Report, may result in approximately 1,450 additional people annually being supervised in CBC and required to undergo random drug testing. Additionally, there may be an impact on county jail overcrowding. If all 1,450 additional offenders remain in jail for a 24-hour period, the impact would be approximately \$22,000 for county jail operations.

### **Fiscal Impact**

The bail restrictions of SF169, as amended by the Conference Committee Report, will impact CBC District Department budgets. Costs in FY 2005 are anticipated to be \$375,000 and 6.0 FTE positions for probation officers (staff and testing supply costs). Costs in FY 2006 are anticipated to be \$1.5 million and 24.0 additional FTE positions (staff and testing supply costs) on an annual basis.

It is anticipated the costs of the enhanced penalty from a simple misdemeanor to a serious misdemeanor for theft of pseudoephedrine will not result in a significant fiscal impact.

Under current law, there have been no civil penalty convictions. The law took effect July 1, 2004. Senate File 169, as amended by the Conference Committee Report, defines a graduated scale of civil fines. It is anticipated there will be no additional civil penalty revenue generated from SF 169.

Any savings generated by the provisions of SF 169 as amended by the Conference Committee Report cannot be determined. There may be other savings to local and State government as a result of a reduction in meth labs and meth usage in Iowa, but there is insufficient data to quantify such savings. State, federal, and local savings generated by a reduction in meth labs may be redirected to other drug interdiction efforts by State and local law enforcement.

### **Sources**

Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Department of Corrections  
Department of Public Safety  
Governor's Office of Drug Control Policy

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March 16, 2005

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

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